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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/673,156

**Applicant(s)**

DOBBINS ET AL

**Examiner**

JOSHUA JOO

**Art Unit**

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4 and 7-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 2-4 and 7-26 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 30 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

### ***Detailed Action***

This Office action is in response to Applicant's communication filed on 09/04/2009.

Claims 2-4, 7-26 are pending for examination.

### **Response to Arguments**

Applicant's arguments with respect to claims 2-4, 7-26 have been considered but are moot in view of the new ground(s) of rejection. New ground(s) of rejection are necessitated by Applicant's amendment. Applicant also argued that:

(1) Claim 2 requires that the content tag is created and associated with the content file transmission at the location where the content file transmission is originally published by an owner of the content that is authorized to distribute the content, which is not addressed by Moskowitz.

In response, Examiner respectfully disagrees that Moskowitz does not address the feature. Moskowitz teaches of a sender creating a watermark comprising a QoS indicator and associating the watermark with content (Paragraph 0030). The content is also published by the sender and thus the watermark is created and associated at the location where the content is published. The sender may create content to send a requesting user (Paragraph 0026). The sender of the content creates and/or possesses the content and is given the ability to publish the content, thus the sender is an owner of the content that is authorized to distribute the content.

### **Claim Objections**

Claims 2-4, 7-26 are objected to because of the following informalities:

- a) Regarding claim 2, in the phrase "accordance with the content", "the content" should be changed to "content".
- b) Regarding claim 2, in the phrase "at the location", "the location" should be "at a location".

- c) Regarding claim 21, "the content" should be changed to "content".
- d) Regarding claim 21, "the content tag" should be changed to "the content identifier".

Appropriate correction is required.

#### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4, 7-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) Regarding claims 2 and 21, "the external content server" has insufficient antecedent basis.

#### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 7-15, 17-18, 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz, US Publication #2003/0200439 (Moskowitz), in view of Shieh, US Publication #2002/0184510 (Shieh hereinafter).

As per claim 2, Moskowitz teaches substantially the invention as claimed including a method of coupling a content tag with a content file transmission, the method comprising:

associating the content tag indicating a type of service in accordance with the content of the content file transmission, wherein the content tag is created and associated with the content file transmission at the location where the content file transmission is originally published by an owner of the content that is authorized to distribute the content (Paragraphs 0027, 0030. Add watermark to data packet/stream.);

receiving the content file transmission with the content tag into a network; reading the content tag, which was associated with the content file transmission by the owner of the content in an instance of a network transmission (Paragraph 0044. Read watermark.);

determining whether at least part of the content file transmission should be accorded a predetermined type of transmission service (Paragraph 0044. Determine QoS for the flow.);

generating flow information for the content file transmission, the flow information including information specifying the type of service indicated in the content tag (Paragraphs 0026, 0044. Take actions to provide QoS, e.g. chose path);

transmitting at least part of the content file transmission according to the type of service specified by the flow information over the network, wherein if the content tag indicates that at least part of the content file transmission should be accorded a predetermined type of transmission service and the authentication was successful, transmitting the at least part of the content file transmission with a preferred type of service, and if the content tag does not indicate that at least part of the content file transmission should be accorded a predetermined type of transmission service, transmitting the content file transmission with a standard type of service; and providing the at least part of the content file transmission to a user requested location (Paragraph 0026. Send requested data to receiver's address. Paragraphs 0012, 0044-0045. Send packet with associated QoS based on watermark and authenticity. Paragraph 0034. Watermark may not contain a QoS indicator.).

Moskowitz does not specifically teach contacting an external authentication server at an address specified by the content tag and authentication by the external content server.

Shich teaches of providing resource allocation, wherein an external authentication server is contacted an address specified by a content tag and generating flow information in response to successful authentication by an external authentication server (Paragraphs 0036, 0038, 0069, 0078-0079).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to contact an external authentication server at an address specified by the content tag and generate flow information in response to authentication by an external content server. The motivation for the suggested combination is that Shich's teachings would improve Moskowitz's teachings by providing policy control and enforcement and enabling resource authorization and allocation on basis of individual media flows on a session (Paragraphs 0036, 0042, 0051)

As per claim 21, Moskowitz teaches substantially the invention as claimed including a method of inserting a content identifier with and transmitting electronic data, the method including:

inserting the content identifier in the electronic data at a location at which the content is originally published by an owner of the content that is authorized to distribute the content (Paragraphs 0027, 0030. Add watermark to data packet/stream.);

receiving the electronic data with the content tag into a network; reading the content identifier, which was associated with the electronic data by the owner of the content, in an instance of a network transmission (Paragraph 0044. Read watermark);

determining whether at least part of the electronic data should be accorded a predetermined type of transmission service (Paragraphs 0012, 0044. Identify QoS indicator.);

determining a type of transmission service to accord the electronic data based on information in the content identifier (Paragraph 0044. Prioritize each packet, choose path based on load, latency, etc...);

transmitting at least part of the electronic data according to the determined type of service over the network, wherein if the content identifier indicates that at least part of the electronic data should be accorded a predetermined type of transmission service and authentication was successful, transmitting the at least part of the electronic data with a preferred type of service, and if the content identifier does not indicate that at least part of the electronic data should be accorded a predetermined type of transmission service, transmitting the electronic data with a standard type of service; and providing the at least part of the content to a user requested location (Paragraph 0026. Send requested data to receiver's address. Paragraphs 0012, 0044-0045. Send packet with associated QoS based on watermark and authenticity. Paragraph 0034. Watermark may not contain a QoS indicator).

Moskowitz does not specifically teach contacting an external authentication server at an address specified by the content tag and authentication by the external content server.

Shieh teaches of providing resource allocation, wherein an external authentication server is contacted an address specified by a content tag and generating flow information in response to successful authentication by an external authentication server (Paragraphs 0036, 0038, 0069, 0078-0079).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to contact an external authentication server at an address specified by the content tag and generate flow information in response to authentication by an external content server. The motivation for the suggested combination is that Shieh's teachings would improve Moskowitz's teachings by providing policy control and enforcement and enabling resource authorization and allocation on basis of individual media flows on a session (Paragraphs 0036, 0042, 0051).

As per claim 3, Moskowitz and Shieh teach the method according to claim 2. Moskowitz teaches wherein the content file transmission is electronic data (Paragraphs 0026, 0030. Packet data, stream.).

As per claim 4, Moskowitz and Shieh teach the method according to claim 2. Moskowitz teaches wherein the content file transmission is media content (Paragraph 0030. Stream of data. Paragraph 0006. Stream audio or video.).

As per claim 7, Moskowitz and Shieh teach the method according to claim 2. Moskowitz teaches wherein the content tag enables control on distribution of the content file transmission by at least one selected from a group consisting of an owner of the content, a peer-to-peer network, and a service provider (Paragraph 0044. Control QoS. Paragraph 0045. Check watermark for authenticity.).

As per claim 8, Moskowitz and Shieh teach the method according to claim 2. Moskowitz teaches the method further comprising: identifying a type of content in order to provide a specific transport service to differing types of content (Paragraph 0030. Classify stream for QoS. Paragraph 0034. Identify QoS.).

As per claim 9, Moskowitz and Shieh teach the method according to claim 8. Moskowitz teaches wherein identifying a type of content includes: reading the content tag (Paragraph 0044. Read watermark.).

As per claim 10, Moskowitz and Shieh teach the method according to claim 8. Moskowitz teaches wherein the specific transport service includes at least one selected from a group consisting of a predetermined amount of bandwidth, a quality of service, a transmission attribute, an amount of packet loss, and an amount of jitter (Paragraph 0044. Quality of service. Paragraph 0005. QoS includes priority of available bandwidth.).



As per claim 11, Moskowitz and Shieh teach the method according to claim 10. Moskowitz teaches wherein the specific transport service is an amount of bandwidth (Paragraph 0044. Quality of service based on load and latency. Paragraph 0005. QoS includes priority of available bandwidth. Paragraph 0020. Verify bandwidth delivery.).

As per claim 12, Moskowitz and Shieh teach the method according to claim 2. Moskowitz teaches wherein associating the content tag with the content file transmission includes: associating a multi-element content tag with the content file transmission (Paragraphs 0030, 0035-36. Watermark to each packet. 32 bit watermark.).

As per claim 13, Moskowitz and Shieh teach the method according to claim 2. Moskowitz teaches wherein associating the content tag with the content includes: associating a content tag, wherein the content tag is configured such that the content tag is extendible while remaining machine readable (Paragraph 0030. Size of watermark may vary.).

As per claim 14, Moskowitz and Shieh teach the method according to claim 13. Moskowitz teaches wherein the machine readable content tag includes at least one selected from a group consisting of electronic data and encoded data (Paragraph 0030. 32-bit watermark. Watermark contains QoS indicator.).

As per claim 15, Moskowitz and Shieh teach the method according to claim 2. Moskowitz teaches the method comprising: authenticating the distribution allowed for the content file transmission, and authorizing only the allowed distribution for the content file transmission (Paragraph 0045. Flow permitted on path when content is authentic.).

As per claim 17, Moskowitz and Shieh teach the method according to claim 2. Moskowitz teaches wherein the user requested location is a device (Paragraph 0008. Device with IP address. Paragraph 0026. Send data with receiver's address. Paragraph 0045. Packet continued to path to destination.).

As per claim 18, Moskowitz and Shieh teach the method according to claim 17. Moskowitz teaches wherein the device is one selected from a group consisting of personal computer, a minicomputer, a microcomputer, a mainframe computer, a personal digital assistant, a hand-held device, a set-top box, a cellular telephone, an IP telephone, a videophone, a videogame machine, a television, and a personal video recorder (Paragraphs 0014, 0020, 106. Computer, phone.).

As per claim 20, Moskowitz and Shieh teach the method according to claim 2. Moskowitz teaches wherein the content tag includes electronic bits of information identifying at least one selected from a group consisting of a type of service, a content class or type, an originator of the content, metadata with searchable descriptors, an authentication Uniform Resource Locator (URL) configured to enable dynamic authentication, an association with a type of network service, and a content application (Paragraph 0034, 0044. Watermark identifies service type.).

As per claim 22, Moskowitz and Shieh teach the method according to claim 21. Moskowitz teaches wherein transmitting the at least part of the electronic data includes: transmitting the electronic data over a network in which clients and servers are distributed (Paragraphs 0012, 0044. Transmit via routers) but does not specifically teach such that an owner of the electronic data does not own the server element on which the electronic data is stored. However, it would have been obvious to one of ordinary

skill in the art for the owner of the content to not own servers or the routers that stored the content since storing and routing may involve a plurality of elements on the Internet. Furthermore, it would have been obvious to not to own servers so that each owner does not have the burden or responsibility to establish and configure a network and bear associated costs just to transmit data.

As per claim 23, Moskowitz and Shieh teach the method according to claim 22. Moskowitz teaches wherein the electronic data is media content (Paragraph 0030. Stream of data. Paragraph 0006. Stream audio or video.).

As per claim 24, Moskowitz and Shieh teach the method according to claim 23. Moskowitz teaches wherein the content identifier enables control on distribution of the media content by at least one selected from a group consisting of the content owner, the network, and a service provider (Paragraph 0044. Control QoS for flow. Paragraph 0045. Authenticate flow.).

As per claim 25, Moskowitz and Shieh teach the method according to claim 21. Moskowitz teaches wherein the user requested location is a device (Paragraph 0008. Device with IP address. Paragraph 0026. Send data with receiver's address. Paragraph 0045. Packet continued to path to destination.).

As per claim 26, Moskowitz and Shieh teach the method according to claim 25. Moskowitz teaches, wherein the device is one selected from a group consisting of personal computer, a minicomputer, a microcomputer, a mainframe computer, a personal digital assistant, a hand-held device, a set-top box, a cellular telephone, an IP telephone, a videophone, a videogame machine, a television, and a personal video recorder (Paragraphs 0014, 0020, 106. Computer, phone.).

Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz and Shieh, in view of Jennings et al, US Publication #2002/0099842 (Jennings hereinafter).

As per claim 16, Moskowitz does not specifically teach the method according to claim 15, wherein the distribution authorized includes geographic restrictions.

Jennings teaches of authorizing distribution using geographical restrictions (Paragraphs 0137-139).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the distribution authorized to include geographic restrictions. The motivation for the suggested combination is that Jennings' teachings would improve the suggested system by enabling a content owner to control the distribution of content (Paragraph 0039).

As per claim 19, Moskowitz, Shieh, and Jennings teach the method according to claim 16. Moskowitz further teaches wherein generating the flow information for the content file transmission further comprises: retrieving a transport profile corresponding to the content tag from at least one selected from a group consisting of an external database, a look up table, and a Uniform Resource Locator (URL) serving agent (Paragraph 0044. Identify QoS for bits associated with QoS indicator. Paragraph 0045. Compare watermark with WID table.).

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 2454

/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2454